UNIT-IV

RESPONSIBILITIES & RIGHTS

Collegiality and loyalty - respect for authority - collective bargaining - confidentiality - conflicts of interest - occupational crime - professional rights - employee rights - Intellectual Property Rights (IPR) - discrimination.

COLLEGIALITY AND LOYALTY

Colleagues are those explicitly united in a common purpose and respecting each other's abilities to work toward that purpose. A colleague is an associate in a profession or in a civil or ecclesiastical office.

Thus, the word *collegiality* and loyality can connote respect for another's commitment to the common purpose and ability to work toward it.

Case Study:

The unique structural characteristic of a collegial body such as the Supreme Court is the equality of formal authority of the members. Tension exists between the individual responsibility to form views in each case and the necessity for cooperation to produce collective decisions in the Court's collegial structure. Cooperation and the appearance of unity serve to increase power and respect for a collegial institution. Chief Justice John Marshall arranged accommodations in one boardinghouse to foster fellowship and developed the single opinion of the Court to create a symbol of judicial solidarity (see Seriatim Opinions). Yet, within the Court's collegial structure, contemporary justices freely exhibit individualism, as seen in the increase of separate opinions.

Effective action requires the cooperative participation of every justice. Collegiality does not mandate unanimity but does demand loyalty to the institution and civil treatment of colleagues. Evidences of the justices' strong commitment to the Court are long tenures, unanimity in cases that threaten institutional integrity, and resolution of internal difficulties without appeals for external intervention. Collegial relationships sometimes may be threatened by biting opinions, such as those written by Justice Antonin Scalia directing harsh language at opposing justices, and by divisive cases like *Bush* v. *Gore*. Still, justices assert that disagreements have not affected their relationships and that they remain friends who respect each other and enjoy each other's company. Justices have maintained cordial relations across ideological lines and warm friendships have developed between some pairs with shared values. Justice Ruth Bader Ginsburg, for instance, recounts a visit by Justice Scalia to give her a draft of his dissenting opinion so she would have time to respond. Court practices remind the justices of their mutual dependence, equal power, and personal esteem; for example, the handshakes before conference initiated by Chief Justice Melville W. Fuller, and the luncheons, letters, or gifts for significant personal occasions.

Other structural characteristics and changes in the Court's environment have affected the requirements of collegiality. The Court has remained a small group in size; therefore, skillful chief justices can satisfy individuals and harmonize Court functioning. However, the growth of the federal court system and the Court bureaucracy has diverted the chief justice's attention to other duties (see Bureaucratization of the Federal Judiciary). In the nineteenth century, short Court terms, circuit duties, and home offices limited contacts among justices. Longer Court terms and a separate building have brought justices into proximity, and the longevity of the current Court (with no personnel changes since 1994) has reinforced the justices' collegiality. Conversely, heavy workloads, personal staffs, and new office technologies have focused their energies upon individual rather than collective decision making. Resolution of the tensions between equal authority and collective duty requires different strategies in the twenty-first century, when the Court has become a powerful institution and the justices work in relative isolation.

COLLECTIVE BARGAINING

Collective bargaining is a process of voluntary negotiation between employers and trade unions aimed at reaching agreements which regulate working conditions. Collective agreements usually set out wage scales, working hours, training, health and safety, overtime, grievance mechanisms and rights to participate in workplace or company affairs.[1]

The union may negotiate with a single employer (who is typically representing a company's shareholders) or may negotiate with a federation of businesses, depending on the country, to reach an industry wide agreement. A collective agreement functions as a labor contract between an employer and one or more unions. Collective bargaining consists of the process of negotiation between representatives of a union and employers (generally represented by management, in some countries[*which?*] by an employers' organization) in respect of the terms and conditions of employment of employees, such as wages, hours of work, working conditions and grievance-procedures, and about the rights and responsibilities of trade unions. The parties often refer to the result of the negotiation as a *collective bargaining agreement* (CBA) or as a *collective employment agreement* (CEA).

Different economic theories provide a number of models intended to explain some aspects of collective bargaining:

1. The so-called Monopoly Union Model (Dunlop, 1944) states that the monopoly union has the power to maximise the wage rate; the firm then chooses the level of employment. (Recent literature has started to abandon this model.[*citation needed*]
2. The Right-to-Manage model, developed by the British school during the 1980s (Nickell) views the labour union and the firm bargaining over the wage rate according to a typical Nash Bargaining Maximin (written as $\Omega = U^{\beta}\Pi^{1-\beta}$, where U is the utility function of the labour union, Π the profit of the firm and β represents the bargaining power of the labour unions).

3. The efficient bargaining model (McDonald and Solow, 1981) sees the union and the firm bargaining over both wages and employment (or, more realistically, hours of work).[*citation needed*]

> The underlying idea of collective bargaining is that the employer and employee relations should not be decided unilaterally or with the intervention of any third party. Both parties must reconcile their differences voluntarily through negotiations, yielding some concessions and making sacrifices in the process. Both should bargain from a position of strength; there should be no attempt to exploit the weaknesses or vulnerability of one party. With the growth of union movement all over the globe and the emergence of employers' association, the collective bargaining process has undergone significant changes. Both parties have, more or less, realized the importance of peaceful co-existence for their mutual benefit and continued progress

CONFIDENTIALITY

Confidentiality is an ethical principle associated with several professions (e.g., medicine, law, religion, professional psychology, and journalism). In ethics, and (in some places) in law and alternative forms of legal dispute resolution such as mediation, some types of communication between a person and one of these professionals are "privileged" and may not be discussed or divulged to third parties. In those jurisdictions in which the law makes provision for such confidentiality, there are usually penalties for its violation.

Confidentiality has also been defined by the International Organization for Standardization (ISO) in ISO-17799 [1] as "ensuring that information is accessible only to those authorized to have access" and is one of the cornerstones of information security. Confidentiality is one of the design goals for many cryptosystems, made possible in practice by the techniques of modern cryptography.

Confidentiality of information, enforced in an adaptation of the military's classic "need to know" principle, forms the cornerstone of information security in today's corporations. The so called 'confidentiality bubble' restricts information flows, with both positive and negative consequences.[2]

Both the privilege and the duty serve the purpose of encouraging clients to speak frankly about their cases. This way, lawyers will be able to carry out their duty to provide clients with zealous representation. Otherwise, the opposing side may be able to surprise the lawyer in court with something which he did not know about his client, which makes both lawyer and client look stupid. Also, a distrustful client might hide a relevant fact which he thinks is incriminating, but which a skilled lawyer could turn to the client's advantage (for example, by raising affirmative defenses like self-defense).

However, most jurisdictions have exceptions for situations where the lawyer has reason to believe that the client may kill or seriously injure someone, may cause substantial injury to the financial interest or property of another, or is using (or seeking to use) the lawyer's services to perpetrate a crime or fraud.

In such situations the lawyer has the discretion, but not the obligation, to disclose information designed to prevent the planned action. Most states have a version of this discretionary disclosure rule under Rules of Professional Conduct, Rule 1.6 (or its equivalent).

A few jurisdictions have made this traditionally discretionary duty mandatory. For example, see the New Jersey and Virginia Rules of Professional Conduct, Rule 1.6.

In some jurisdictions the lawyer must try to convince the client to conform his or her conduct to t
he boundaries of the law before disclosing any otherwise confidential information.

Note that these exceptions generally do not cover crimes that have already occurred, *even* in extreme cases where murderers have confessed the location of missing bodies to their lawyers but the police are still looking for those bodies. The U.S. Supreme Court and many state supreme courts have affirmed the right of a lawyer to withhold information in such situations. Otherwise, it would be impossible for any criminal defendant to obtain a zealous defense.

California is famous for having one of the strongest duties of confidentiality in the world; its lawyers must protect client confidences at "every peril to himself or herself." Until an amendment in 2004, California lawyers were not even permitted to disclose that a client was about to commit murder.

Recent legislation in the UK curtails the confidentiality professionals like lawyers and accountants can maintain at the expense of the state. Accountants, for example, are required to disclose to the state any suspicions of fraudulent accounting and, even, the legitimate use of tax saving schemes if those schemes are not already known to the tax authorities.

INTELLECTUAL PROPERTY RIGHTS

Intellectual property (**IP**) is a term referring to a number of distinct types of creations of the mind for which property rights are recognized—and the corresponding fields of law.[1] Under intellectual property law, owners are granted certain exclusive rights to a variety of intangible assets, such as musical, literary, and artistic works; discoveries and inventions; and words, phrases, symbols, and designs. Common types of intellectual property include copyrights, trademarks, patents, industrial design rights and trade secrets in some jurisdictions.

Richard Stallman argues that, although the term *intellectual property* is in wide use, it should be rejected altogether, because it "systematically distorts and confuses these issues, and its use was and is promoted by those who gain from this confusion." He claims that the term "operates as a catch-all to lump together disparate laws [which] originated separately, evolved differently, cover different activities, have different rules, and raise different public policy issues" and that it confuses these monopolies with ownership of limited physical things[15]

Stallman advocates referring to copyrights, patents and trademarks in the singular and warns against abstracting disparate laws into a collective term.

Some critics of intellectual property, such as those in the free culture movement, point at intellectual monopolies as harming health, preventing progress, and benefiting concentrated interests to the detriment of the masses,[16][17] and argue that the public interest is harmed by ever expansive monopolies in the form of copyright extensions, software patents and business method patents.

There is also criticism[*by whom?*] because strict intellectual property rights can inhibit the flow of innovations to poor nations. Developing countries have benefitted from the spread of developed country technologies, such as the internet, mobile phone, vaccines, and high-yielding grains. Many intellectual property rights, such as patent laws, arguably go too far in protecting those who produce innovations at the expense of those who use them.[*citation needed*] The Commitment to Development Index measures donor government policies and ranks them on the "friendliness" of their intellectual property rights to the developing world.

Some libertarian critics of intellectual property have argued that allowing property rights in ideas and information creates artificial scarcity and infringes on the right to own tangible property. Stephan Kinsella uses the following scenario to argue this point:

Imagine the time when men lived in caves. One bright guy—let's call him Galt-Magnon—decides to build a log cabin on an open field, near his crops. To be sure, this is a good idea, and others notice it. They naturally imitate Galt-Magnon, and they start building their own cabins. But the first man to invent a house, according to IP advocates, would have a right to prevent others from building houses on their own land, with their own logs, or to charge them a fee if they do build houses. It is plain that the innovator in these examples becomes a partial owner of the tangible property (e.g., land and logs) of others, due not to first occupation and use of that property (for it is already owned), but due to his coming up with an idea. Clearly, this rule flies in the face of the first-user homesteading rule, arbitrarily and groundlessly overriding the very homesteading rule that is at the foundation of all property rights.[18]

Other criticism of intellectual property law concerns the tendency of the protections of intellectual property to expand, both in duration and in scope. The trend has been toward longer copyright protection[19] (raising fears that it may some day be eternal).[20][21][22][23] In addition, the developers and controllers of items of intellectual property have sought to bring more items under the protection. Patents have been granted for living organisms,[24] and colors have been trademarked.[25] Because they are systems of government-granted monopolies copyrights, patents, and trademarks are called intellectual monopoly privileges, (IMP) a topic on which several academics, including Birgitte Andersen[26] and Thomas Alured Faunce[27] have written.

In 2005 the RSA launched the Adelphi Charter, aimed at creating an international policy statement to frame how governments should make balanced intellectual property law.

Intellectual Property Rights

Intellectual property rights is a legal concept that confers rights to owners and creators of the work, for their intellectual creativity. Such rights can be granted for areas related to literature, music, invention etc, which are used in the business practices. In general, the intellectual property law offers exclusionary rights to the creator or inventor against any misappropriation or use of work without his/her prior knowledge. Intellectual property law establishes an equilibrium by granting rights for limited duration of time.

Every nation has framed their own intellectual property laws. But on international level it is governed by the World Intellectual Property Organization (WIPO). The Paris Convention for the Protection of Industrial Property in 1883 and the 'Berne Convention for the Protection of Literary and Artistic Works' in 1886 were first conventions which have recognized the importance of safeguarding intellectual property. Both the treaties are under the direct administration of the WIPO. The WIPO convention lays down following list of the activities or work which are covered by the intellectual property rights -

- Industrial designs
- Scientific discoveries
- Protection against unfair competition
- Literary, artistic and scientific works
- Inventions in all fields of human endeavor
- Performances of performing artists, phonograms and broadcasts
- Trademarks, service marks and commercial names and designations
- All other rights resulting from intellectual activity in the industrial, scientific, literary or artistic fields.

Types of Intellectual Property Rights

Intellectual Property Rights signifies to the bundle of exclusionary rights which can be further categorized into the following heads-

- **Copyright**

  Copyright, one of the form of intellectual property right, offers exclusive rights for protecting the authorship of original & creative work like dramatic, musical and literary in nature. Symbolized as "©", here the term ....

  Patent

  A patent is termed as the exclusionary rights given by the government or the authorized authority to its inventor for a particular duration of time, in respect of his invention. It is the part of the intellectual property right ....

  Trademark

The trademark or trade mark, symbolized as the â„¢ and ®, is the distinctive sign or indication which is used for signifying some kind of goods or/and services and is distinctively used across the business ....

- **Trade Secrets**

  Trade secret points towards a formula, pattern, any instrument, design which is kept confidential and through which any business or trade can edge over its rival and can enjoy economic gain. Trade secrets can be ....

- **Utility Model**

  The utility model is the intellectual property right for protecting the inventions. It is somehow described as the statutory monopoly which is bestow upon for the fixed duration of time in exchange to the inventor for ....

- **Geographical Indication**

  Geographical Indication (GI) signifies to the name or sign, used in reference to the products which are corresponding to the particular geographical area or somewhat related to the origin like town, region or nation.

- **Industrial Design Rights**

  Industrial design rights are defined as the part of the intellectual property rights which confers the rights of exclusivity to the visual designs of objects which are generally not popular utilitarian. It safeguards the ....

Advantages of Intellectual Property Rights

Intellectual property rights help in providing exclusive rights to creator or inventor, thereby induces them to distribute and share information and data instead of keeping it confidential. It provides legal protection and offers them incentive of their work. Rights granted under the intellectual property act helps in socio and economic development.

Intellectual Property Rights in India

India has defined the establishment of statutory, administrative and judicial framework for protecting the intellectual property rights in the Indian territory, whether they connotes with the copyright, patent, trademark, industrial designs or with other parts.

Tuning with the changing industrial world, the intellectual property rights have continued to

strengthen its position in the India. In 1999, the government has passed the important legislation in relation to the protection of intellectual property rights on the terms of the worldwide practices and in accordance to the India's obligations under the Trade Related Aspects of Intellectual Property Rights. It consists of -

- The Patents(Amendment) Act, 1999 which was passed on 10th March, 1999 in the Indian Parliament for amending the Patents Act of 1970 which in turns facilitate to establish the mail box system for filing patents and accords with the exclusive marketing rights for the time period of 5 years.
- The Trade Marks Bill, 1999 was passed in the India parliament during the winter session for replacing the Trade and Merchandise Marks Act, 1958. It was passed on 23rd December, 1999.
- The Copyright(Amendment) Act, 1999 was passed by both upper house and lower house of the Indian parliament and was later on signed by the Indian president on 30th December, 1999.
- The sui generis legislation was approved by both houses of the Indian parliament on 23rd December, 1999 and was named as the Geographical Indications of Goods (Registration & Protection) Bill, 1999.
- The Industrial Designs Bill, 1999 was passed in the Upper House of the Indian parliament for replacing the Designs Act, 1911.
- The Patents (Second Amendment) Bill, 1999 was introduced in the upper house of the parliament for further amending the Patents Act 1970 and making it compliance with the TRIPS.

Along with the above legislative measures, the Indian government has introduced several changes for streamlining and bolstering the intellectual property administration system in the nation. Several projects concerning to the modernizing of the patent information services and trademark registry have been undergone with the help of the World Intellectual Property Organization/ United Nations Development Programme.

DISCRIMINATION

Discrimination is a sociological term referring to the prejudicial treatment of an individual based solely on their membership (whether voluntary or involuntary) in a certain group or category. Discrimination is the *actual behavior* towards members of another group. It involves excluding or restricting members of one group from opportunities that are available to other groups.[1] The United Nations explains: "Discriminatory behaviors take many forms, but they all involve some form of exclusion or rejection."[2] Discriminatory laws such as redlining have existed in many countries. In some countries, controversial attempts such as racial quotas have been used to redress negative effects of discrimination.

Racial discrimination differentiates between individuals on the basis of real and perceived racial differences, and has been official government policy in several countries, such as South Africa in the apartheid era, and the USA.

In the United States, racial profiling of minorities by law enforcement officials has been called racial discrimination.[3] As early as 1865, the Civil Rights Act provided a remedy for intentional race discrimination in employment by private employers and state and local public employers. The Civil Rights Act of 1871 applies to public employment or employment involving state action prohibiting deprivation of rights secured by the federal constitution or federal laws through action under color of law. Title VII is the principal federal statute with regard to employment discrimination prohibiting unlawful employment discrimination by public and private employers, labor organizations, training programs and employment agencies based on race or color, religion, gender, and national origin.

Title VII also prohibits retaliation against any person for opposing any practice forbidden by statute, or for making a charge, testifying, assisting, or participating in a proceeding under the statute. The Civil Rights Act of 1991 expanded the damages available in Title VII cases and granted Title VII plaintiffs the right to a jury trial. Title VII also provides that race and color discrimination against every race and color is prohibited.

In the UK the inquiry following the murder of Stephen Lawrence accused the police of institutional racism.

- Weaver v NATFHE (now part of the UCU) Race/sex discrimination case. An Industrial (Employment) Tribunal in the UK in 1987 decided that a trade union was justified in not assisting a black woman member complaining of racist/sexist harassment, regardless of the merits of the case, because the accused male would lose his job. The Employment Appeal Tribunal upheld the decision, which still stands today as the definitive legal precedent in this field. It is also known as the Bournville College Racial Harassment issue.

Within the criminal justice system in some Western countries, minorities are convicted and imprisoned disproportionately when compared with whites.[4][5] In 1998, nearly one out of three black men between the ages of 20-29 were in prison or jail, on probation or parole on any given day in the United States.[6] First Nations make up about 2% of Canada's population, but account for 18% of the federal prison population as of 2000.[7] According to the Australian government's June 2006 publication of prison statistics, indigenous peoples make up 24% of the overall prison population in Australia.[8] In 2004, Māori made up just 15% of the total population of New Zealand but 49.5% of prisoners. Māori were entering prison at 8 times the rate of non-Māori.[9] A quarter of the people in England's prisons are from an ethnic minority. The Equality and Human Rights Commission found that five times more black people than white people per head of population in England and Wales are imprisoned. Experts and politicians said over-representation of black men was a result of decades of racial prejudice in the criminal justice system.[10]

Age discrimination

Main article: Ageism

Age discrimination is discrimination on the grounds of age. Although theoretically the word can refer to the discrimination against any age group, age discrimination usually comes in one of

three forms: discrimination against youth (also called adultism), discrimination against those 40 years old or older,[11] and discrimination against elderly people.

In the United States, the Age Discrimination in Employment Act prohibits employment discrimination nationwide based on age with respect to employees 40 years of age or older. The Age Discrimination in Employment Act also addresses the difficulty older workers face in obtaining new employment after being displaced from their jobs, arbitrary age limits.

On the other hand, the UK Equality Act 2010 protects young employees as well as old. Other countries go even further and make age discrimination a criminal offence.[12]

In many countries, companies more or less openly refuse to hire people above a certain age despite the increasing lifespans and average age of the population. The reasons for this range from vague feelings younger people are more "dynamic" and create a positive image for the company, to more concrete concerns about regulations granting older employees higher salaries or other benefits without these expenses being fully justified by an older employees' greater experience. Unions cite age as the most common form of discrimination in the workplace.[13] Workers ages 45 and over form a disproportionate share of the long-term unemployed – those who have been out of work for six months or longer, according to the U.S. Bureau of Labor Statistics.[14]

Some people consider that teenagers and youth (around 15–25 years old) are victims of adultism, age discrimination framed as a paternalistic form of protection. In seeking social justice, they feel that it is necessary to remove the use of a false moral agenda in order to achieve agency and empowerment.

This perspective is based on the grounds that youth should be treated more respectfully by adults and not as second-class citizens. Some suggest that social stratification in age groups causes outsiders to incorrectly stereotype and generalize the group, for instance that all adolescents are equally immature, violent or rebellious, listen to rock tunes, and do drugs. Some have organized groups against age discrimination.

Ageism is the causal effect of a continuum of fears related to age.[*citation needed*] This continuum includes:

- Ephebiphobia: the fear of youth.
- Gerontophobia: the fear of elderly people.
- Pediaphobia: the fear of infants or small children.

Related terms include:

- Adultism: Also called adultarchy, adult privilege, and adultcentrism/adultocentrism, this is the wielding of authority over young people and the preference of adults before children and youth.
- Jeunism: Also called "youthism" is the holding of beliefs or actions taken that preference 'younger' people before adults.

Sex and Gender discrimination

Though gender discrimination and sexism refers to beliefs and attitudes in relation to the gender of a person, such beliefs and attitudes are of a social nature and do not, normally, carry any legal consequences. **Sex discrimination**, on the other hand, may have legal consequences.

Though what constitutes sex discrimination varies between countries, the essence is that it is an adverse action taken by one person against another person that would not have occurred had the person been of another sex. Discrimination of that nature in certain enumerated circumstances is illegal in many countries.

Currently, discrimination based on sex is defined as adverse action against another person, that would not have occurred had the person been of another sex. This is considered a form of prejudice and is illegal in certain enumerated circumstances in most countries.

Sexual discrimination can arise in different contexts. For instance an employee may be discriminated against by being asked discriminatory questions during a job interview, or because an employer did not hire, promote or wrongfully terminated an employee based on his or her gender, or employers pay unequally based on gender.

In an educational setting there could be claims that a student was excluded from an educational institution, program, opportunity, loan, student group, or scholarship due to his or her gender. In the housing setting there could be claims that a person was refused negotiations on seeking a house, contracting/leasing a house or getting a loan based on his or her gender. Another setting where there have been claims of gender discrimination is banking; for example if one is refused credit or is offered unequal loan terms based on one's gender.[15]

Another setting where there is usually gender discrimination is when one is refused to extend his or her credit, refused approval of credit/loan process, and if there is a burden of unequal loan terms based on one's gender.

Socially, sexual differences have been used to justify different roles for men and women, in some cases giving rise to claims of primary and secondary roles.[16]

While there are alleged non-physical differences between men and women, major reviews of the academic literature on gender difference find only a tiny minority of characteristics where there are consistent psychological differences between men and women, and these relate directly to experiences grounded in biological difference.[17] However, there are also some psychological differences in regard to how problems are dealt with and emotional perceptions and reactions which may relate to hormones and the successful characteristics of each gender during longstanding roles in past primitive lifestyles.

Unfair discrimination usually follows the gender stereotyping held by a society.

The United Nations had concluded that women often experience a "glass ceiling" and that there are no societies in which women enjoy the same opportunities as men. The term "glass ceiling"

is used to describe a perceived barrier to advancement in employment based on discrimination, especially sex discrimination.

In the United States in 1995, the Glass Ceiling Commission, a government-funded group, stated: "Over half of all Master's degrees are now awarded to women, yet 95% of senior-level managers, of the top Fortune 1000 industrial and 500 service companies are men. Of them, 97% are white." In its report, it recommended affirmative action, which is the consideration of an employee's gender and race in hiring and promotion decisions, as a means to end this form of discrimination.[18] In 2008, women accounted for 51% of all workers in the high-paying management, professional, and related occupations. They outnumbered men in such occupations as public relations managers; financial managers; and human resource managers.[19]

The China's leading headhunter, Chinahr.com, reported in 2007 that the average salary for white-collar men was 44,000 yuan ($6,441), compared with 28,700 yuan ($4,201) for women.[20]

The PwC research found that among FTSE 350 companies in the United Kingdom in 2002 almost 40% of senior management posts were occupied by women. When that research was repeated in 2007, the number of senior management posts held by women had fallen to 22%.[21]

Transgender individuals, both male to female and female to male, often experience problems which often lead to dismissals, underachievement, difficulty in finding a job, social isolation, and, occasionally, violent attacks against them. Nevertheless, the problem of gender discrimination does not stop at trandgender individuals nor with women. Men are often the victim in certain areas of employment as men begin to seek work in office and childcare settings traditionally perceived as "women's jobs". One such situation seems to be evident in a recent case concerning alleged YMCA discrimination and a Federal Court Case in Texas.[*citation needed*] The case actually involves alleged discrimination against both men and blacks in childcare, even when they pass the same strict background tests and other standards of employment. It is currently being contended in federal court, as of fall 2009, and sheds light on how a workplace dominated by a majority (- women in this case) sometimes will seemingly "justify" whatever they wish to do, regardless of the law. This may be done as an effort at self-protection, to uphold traditional societal roles, or some other faulty, unethical or illegal prejudicial reasoning.

Affirmative action also leads to white men being discriminated against for entry level and blue collar positions. An employer cannot hire a white man with the same "on paper" qualifications over a woman or minority worker or the employer will face prosecution